

DETAILED ACTION

1. Claims 38-74 are pending in the instant application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2008 has been entered.

Response to Amendment

3. Applicant's amendment to the claims has been fully considered. The following ground of rejection is withdrawn: 35 USC 102 (Section 5, office action dated November 30, 2007).
4. New grounds of rejection are made herein in Sections 6 and 7.

Election/Restriction

5. The elected subject matter is the species of synthetic example 56 (see response dated June 18, 2007 and MPEP 818.02(a)). The claims encompassing the elected species are 38-40, 51, 55-57, 68 and 72-74. Claims 41-50, 52-54, 58-67 and 69-71 currently remain withdrawn.
6. Applicant has overcome all outstanding grounds of rejection previously made. Therefore, pursuant MPEP 803.02, the search and examination was extended. Prior art was found that anticipates the non-elected species shown below, Section 9. Furthermore, the claims were not compliant with 35 USC 112 1st paragraph. Therefore, the generic claims encompassing

Art Unit: 1626

the elected species remain rejected. Non-elected species are currently withdrawn from further consideration.

Claim Objections

7. Claims 38-40, 51, 55-57, 68 and 72-74 objected to for containing non-elected subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 38, 39, 55, 56 and 72-74 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims have been amended to recite “carbamoyl” and “sulfamoyl” instead of “carbamido” or “sulfamido.” The original limitations do not reasonably support the newly added limitations, because carbamido and sulfamido are not art recognized to be equivalent to carbamoyl and sulfamoyl, respectively. Furthermore, the original specification does not provide support for the newly claimed genus. The two species noted by the Applicant (ie. compounds Q3t and Q3r) are not sufficient description for the amended genus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 38, 51, 55 and 68 rejected under 35 U.S.C. 102(b) as being anticipated by Pain et al. (caplus AN 1966:27488, RN 4702-86-7).



A=phenyl; B=methyl; D=hydrogen; E=pyridinyl.

Allowable Subject Matter

10. The elected species is allowable for the reasons provided in the office action dated July 10, 2007.

Conclusion

11. No claims allowed.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE Y. LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

Art Unit: 1626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Sun Jae Y. Loewe, Ph.D./
6-12-2008

/Kamal A Saeed, Ph.D./
Primary Examiner, Art Unit 1626